

FILED

AUG 20 2024

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY D. DRAKE,  
DARRELL P. SMITH,  
JOVAUN P. WOODFOLK,  
DEANDRE L. COUTS,  
DACHI I. WHEAT,

Defendants.

) INDICTMENT

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**1:24 CR 00298**

CASE NO. \_\_\_\_\_

Title 18, United States Code,  
Sections 1344(2), 1349, 1708,  
1709

**JUDGE BRENNAN**

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

Institutions Insured by the Federal Deposit Insurance Corporation

1. The following were financial institutions, as defined in Title 18, United States Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation:

- a. Bank of America,
- b. JP Morgan Chase Bank,
- c. Key Bank,
- d. PNC Bank,
- e. Erie Bank,
- f. Citizens Bank Company
- g. Ohio Savings Bank

- h. Wells Fargo Bank
- i. WesBanco,
- j. Fifth Third Bank,
- k. Westfield Bank NA,
- l. S&T Bank,
- m. Old National Bank,
- n. Amegy Bank,
- o. Associated Bank,
- p. Texas Capital Bank,
- q. Bank of Texas,
- r. First Bank and Trust,
- s. Truist,
- t. BMO Harris Central National Bank,
- u. US National Bank and
- v. Huntington National Bank.

Collectively these financial institutions are referred to herein as the “Banks.”

COUNT 1

(Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349)

The Grand Jury charges:

2. Paragraph 1 of this Indictment is re-alleged and incorporated by reference as if fully set forth herein.

3. In or around May 16, 2022, to in or around October 6, 2022, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants GREGORY D. DRAKE, DARRELL P. SMITH, JOVAUN P. WOODFOLK, DEANDRE L. COUTS, and DACHI I.

WHEAT, and others known and unknown to the Grand Jury, knowingly combined, conspired, confederated, and agreed with each other, and with others known and unknown to the Grand Jury, to commit offenses against the United States; that is, to knowingly devise a scheme and artifice (i) to defraud the Banks; and (ii) to obtain moneys, funds, credits, assets, and other property owned by, and under the custody and control of the Banks, by means of false and fraudulent pretenses, representation, and promises, in violation of Title 18, United States Code, Section 1344.

Objects of the Conspiracy

4. The objects of the conspiracy were to (1) steal checks in the custody of the United States Postal Service (“USPS”), (2) fraudulently cash said checks, (3) enrich the conspirators, and (4) avoid detection of the conspiracy.

Manner and Means of the Conspiracy

5. It was part of the conspiracy that:
- a. DRAKE, a USPS employee, stole mail in his custody and provided it to SMITH, WHEAT, COUTS, and WOODFOLK.
  - b. WHEAT, SMITH, WOODFOLK, and other co-conspirators used Instagram accounts and other means to recruit other co-conspirators to use their bank accounts to cash stolen, altered, and forged checks.
  - c. WHEAT, SMITH, WOODFOLK, COUTS, and other co-conspirators communicated with co-conspirators through Instagram accounts, text messages and by other means and obtained banking information such as debit card information, online account log-in information, account balances, account history, account holder’s name and address, account

limits, and instructions on how to use mobile deposit services to cash stolen checks.

- d. SMITH, COUTS, WOODFOLK, and WHEAT, and other co-conspirators deposited the stolen checks into co-conspirator's banking accounts or provided co-conspirators with altered and forged checks and directed them to deposit them.
- e. Other co-conspirators withdrew the money, thereby enriching themselves with the stolen funds. WHEAT, WOODFOLK, SMITH, and other co-conspirators would then send a portion of the stolen funds to DRAKE.

Acts in Furtherance

*Drake and Coutts*

6. In early 2022, DRAKE, a USPS employee contacted COUTS and informed him that he was stealing checks from the USPS mail.

7. DRAKE requested COUTS find and recruit individuals to buy stolen checks from DRAKE.

8. COUTS introduced DRAKE to WOODFOLK. WOODFOLK was looking for checks to fraudulently deposit, and DRAKE was looking for someone to purchase stolen checks from him.

9. COUTS received several checks stolen by DRAKE following this introduction. One of these checks, a Huntington Bank check in the amount of \$3,500, numbered XX83, was fraudulently endorsed to be payable to L.M., an unindicted co-conspirator. This check was issued by a business located in Lakewood, Ohio and had previously been placed into a mail collection box owned and operated by the USPS located in Lakewood, Ohio.

10. On or about June 6, 2022, COUTS deposited the check numbered XX83 into L.M.'s Huntington Bank account using L.M.'s debit card and personal identification number at the Huntington Bank branch located in Cleveland Heights, Ohio.

11. DRAKE also provided COUTS with a PNC Bank check in the amount of \$5,561.85, numbered XXX67. This check was fraudulently endorsed to be payable to B.F., an unindicted co-conspirator. The check was made payable to a business located in Lakewood, Ohio, and had entered the Lakewood, Ohio mail stream.

12. On or about July 20, 2022, COUTS deposited the check numbered XXX67 into B.F.'s Huntington Bank Account using B.F.'s debit card and personal identification number at the Huntington Bank branch located in Cleveland Heights, Ohio.

*Drake and Woodfolk*

13. COUTS introduced DRAKE to WOODFOLK for the purpose of DRAKE selling WOODFOLK stolen checks. Phone records confirm that WOODFOLK and DRAKE regularly communicated between April 2022 and May 2022.

14. On or about April 20, 2022, WOODFOLK'S Instagram account, "lJoeJoe216," contained multiple images of checks that were either made payable to Lakewood, Ohio businesses or were issued by Lakewood, Ohio businesses. All of these checks had entered the Lakewood, Ohio mail stream. None of the checks were made out to WOODFOLK.

15. On or about August 20, 2022, DRAKE received a \$600 CashApp payment from WOODFOLK.

*Drake and Smith*

16. SMITH's Instagram account, "Ketz.Up" contains numerous images of SMITH seeking out individuals to assist him in the conspiracy to deposit stolen checks in their bank

accounts. For example, on or about May 3, 2022, SMITH posted “instant cheese” with Navy Federal Bank, and Fifth Third Bank. “Instant cheese” is a slang term for instant cash. The post further stated, “If you got any of these banks or no [sic] someone with one of these y’all need to hmu right now or have them do so.”

17. SMITH then recruited various individuals to cash the stolen checks he received. For example, in or around May 2022, multiple checks stolen from the Lakewood, Ohio post office were deposited into L.S.’s, an unindicted co-conspirator, bank accounts. Each of these checks were addressed to a Lakewood, Ohio business and had entered the Lakewood, Ohio mail stream.

18. Within a few days after each of these stolen checks were fraudulently deposited into L.S.’s accounts, L.S. would send a CashApp payment to SMITH.

19. K.P., an unindicted co-conspirator, also furthered SMITH’s scheme to cash stolen checks he received. On or about August 3, 2022, an Ohio Savings Bank check in the amount of \$5,730.00, numbered XX56, was deposited into K.P.’s Bank of America account. This check was mailed to a Lakewood, Ohio business and had been reported stolen.

20. That same date this check was deposited, K.P. sent SMITH a \$1,000 CashApp payment. The very next day, on or about August 4, 2022, K.P. sent SMITH a \$2,500 CashApp payment.

21. In text messages, K.P. and SMITH discussed the conspiracy to deposit stolen checks. For example, on or about December 14, 2022, K.P. messaged SMITH, “wish I could give you my login.” SMITH responded, “Why I need the log in” and “I don’t even have anything dude has been off work.” The USPS placed DRAKE on unpaid non-working status on or about October 6, 2022.

22. SMITH also recruited S.V., an unindicted coconspirator, to join in the conspiracy. On or about September 7, 2022, a Bank of America check in the amount of \$7,255.60, numbered XXX75, was deposited into the Huntington Bank Account of S.V. This check was addressed to a business located in Lakewood, Ohio and had entered the Lakewood, Ohio mail stream.

23. That same date, September 7, 2022, SMITH issued a \$1,000 CashApp payment to DRAKE.

24. On or about October 6, 2022, USPS-OIG agents caught DRAKE stealing two first-class envelopes containing business checks. The first check for \$15,085.62 had previously been placed into a mail collection box owned and operated by the USPS located in Lakewood, Ohio. The second check for \$5,707.50 had entered the Lakewood, Ohio mail stream.

25. The same date DRAKE was caught stealing these two checks, SMITH sent a direct Instagram message to DRAKE's Instagram account, "\_gregory\_drake," asking if "we on for today?"

26. In response, on or about October 6, 2022, DRAKE sent a series of Instagram direct messages to SMITH. In these messages, SMITH responded that, "only 2 of them good" and explained they were for "16 bands and 5 bands," a slang term meaning \$16,000 and \$5,000. These amounts corresponded with the amounts of the two checks DRAKE had stolen on October 6, 2022.

*Drake and Wheat*

27. WHEAT's Instagram account, "freeebands\_junkie," contains posts where WHEAT is seeking out individuals to assist him in the conspiracy to deposit stolen checks into their bank accounts.

28. On or about September 7, 2022, WHEAT direct messaged D.L., an unindicted coconspirator, via Instagram, informing him that “I need some fresh food.” “Fresh food” is a slang term for new checks. D.L. responded that he “gotta mailman inna city he keep me loaded.”

29. That same date, WHEAT responded to D.L., asking “What banks them from that he got.” In response, D.L., sent WHEAT a screenshot of his conversation with DRAKE. In this conversation, DRAKE informed D.L. that he had “big amounts in” and D.L. responded “send em.”

30. Along with this screenshotted conversation with DRAKE, D.L. sent WHEAT an image of a WesBanco check in the amount of \$20,409.26, numbered XXXX54. This check was issued by a Lakewood, Ohio business and had been placed into the Lakewood, Ohio mail stream.

31. D.L. then informed WHEAT it would be “200 a slip.” “Slip” is a slang term for check.

32. In response to this image of check number XXXX54, WHEAT responded, “I want it asap” and asked, “can he send it out to me.”

33. On or about September 12, 2022, check number XXXX54 was cashed.

34. WHEAT further inquired if D.L.’s mailman, *i.e.*, DRAKE, had any other checks. D.L. responded, “I’m in Cleveland gang, he said 30s, 20s, all flavors.” “All flavors” is a slang term meaning various banks and types of checks.

35. On or about September 7, 2022, D.L. sent WHEAT a screenshot of his conversation with DRAKE. This screenshot was an image of DRAKE’s direct message on Instagram containing images of four different checks. Each of these checks was made payable to the same Lakewood, Ohio business and had entered the Lakewood, Ohio mail stream:

BANK	AMOUNT
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<b>Bank of America</b>	\$7,425.00
<b>Old National Bank</b>	\$5,790.60
<b>PNC Bank</b>	\$6,630.00
<b>Citizen Bank Company</b>	\$11,739.00

36. Immediately following the image of these checks, DRAKE sent a direct message noting “Citizens 11K” — in reference to the Citizens Bank Company check for \$11,739.00.

37. On or about September 23, 2022, WHEAT direct messaged D.L., asking D.L. to contact “the mailman” for him.

38. On or about September 26, 2022, WHEAT direct messaged D.L., informing D.L. that the “mailman” was trying to “drop them off to you.”

39. From September 2022 through October 2022, J.J., an unindicted co-conspirator, and known associate of WHEAT, sent DRAKE six different CashApp payments.

40. DRAKE continued to conspire with WHEAT regarding stolen checks. On or about October 6, 2022, DRAKE had an image of a Fifth Third Bank check in the amount of \$233.59, numbered XX91, on his phone. This check had previously been placed into a mail collection box owned and operated by the USPS located in Lakewood, Ohio.

41. That same date, on or about October 6, 2022, DRAKE sent WHEAT a direct message on Instagram that “They all under 1000.” The check numbered XX91 on his phone was for less than \$1,000.

42. That same date, WHEAT asked in response, “What bank is there.” DRAKE advised WHEAT that “You may not want these unless you rerocking,” a slang term for counterfeiting and altering checks.

43. On or about October 9, 2022, WHEAT direct messaged D.L., asking him if he “heard about the mailman” and that “he got caught putting slips in his pocket.” A few days prior, on October 6, 2022, DRAKE was caught stealing two first-class envelopes containing business checks.

44. WHEAT’s Instagram account contains additional direct messaging regarding checks mailed from the Lakewood, Ohio post office. On or about October 21, 2022, WHEAT sent a direct message on Instagram, referencing a “21k for a 5<sup>th</sup> third” but the “bank wasn’t jacking it” because “the account had insufficient funds.” Along with this conversation, WHEAT sent an image of an image of a Fifth Third Bank check in the amount of \$21,415.90, numbered XX58. This check was issued by a Lakewood, Ohio resident and had been placed into a mail collection box owned and operated by the USPS located in Lakewood, Ohio on or about October 1, 2022.

45. On or about October 12, 2022, WHEAT sent a direct message on Instagram of an image of a KeyBank check in the amount of \$5,155.07, numbered XXXX58, and dated September 30, 2022. This was an altered check because the check had a Lakewood, Ohio business listed as the payor, but this business did not issue any such check. This same Lakewood, Ohio business had reported multiple checks that were placed in the Lakewood, Ohio mail stream as stolen.

46. In response to the image of this altered check, an unindicted coconspirator responded, “that’s a clean cook up.” “Cook up” is a slang term for a counterfeit or altered check.

47. WHEAT further discussed this “clean cook up” and advised the unindicted co-conspirator as to the best way to forge a signature on a counterfeit check. WHEAT explained

that he copied a signature “wit a pin or I got somebody that charge 60 to crop yo sig and send it pdf to you.”

48. In addition, WHEAT’s Instagram account contains numerous images of WHEAT continuing to seek out additional individuals to assist him in the conspiracy to deposit stolen checks into their bank accounts.

49. For example, on October 19, 2022, WHEAT posted “PNC, Bank of America, CHASE, any other credit union or bank hit me up ASAP.” On December 9, 2022, WHEAT posted, “I need navy federal asap 20-100k, depend on age.”

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-4

(Bank Fraud, 18 U.S.C. § 1344(2))

The Grand Jury further charges:

50. Paragraphs 1 through 49 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

51. On or about each of the dates set forth below, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants SMITH and COUTS, for the purpose of executing the scheme and artifice to defraud described above, and attempting to do so, knowingly caused the Banks to make the following payments to accounts controlled by Defendants and their designees, based on fraudulently altered or endorsed checks, each payment constituting a separate count of this Indictment:

Count	Defendant(s) Charged	Approximate Date	Description of Execution
2	COUTS	June 6, 2022	COUTS deposited a \$3,500 check intended for a victim into an account held by L.M., an unindicted co-conspirator.

Count	Defendant(s) Charged	Approximate Date	Description of Execution
3	COUTS	July 20, 2022	COUTS deposited a \$5,561.85 check intended for a victim into an account held by B.F., an unindicted co-conspirator.
4	SMITH	July 5, 2022	A \$2,367.44 check, intended for a victim, was deposited into an account held by V.B., an unindicted co-conspirator. SMITH used V.B.'s mobile phone to mobile deposit this check into V.B.'s Bank of America account.

All in violation of Title 18, United States Code, Section 1344(2).

COUNT 5

(Possession of Stolen Mail, 18 U.S.C. § 1708)

The Grand Jury further charges:

52. Paragraphs 1 through 51 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

53. On or about October 6, 2022, in the Northern District of Ohio, Eastern Division, Defendant GREGORY D. DRAKE, did unlawfully possess mail which had been stolen, taken, embezzled and abstracted from a letter box, mail receptacle, mail route, and carrier which was an authorized depository for mail matter, knowing the said mail to have been stolen, taken, embezzled and abstracted from an authorized depository for mail matter, in violation of Title 18, United States Code, Section 1708.

COUNT 6

(Theft of Mail by Postal Employee, 18 U.S.C. § 1709)

The Grand Jury further charges:

54. Paragraphs 1 through 53 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

55. In or around June 6, 2022 through October 6, 2022, in the Northern District of Ohio, Eastern Division, Defendant GREGORY D. DRAKE, a USPS employee, did embezzle, steal, and remove a letter, postal card, package, bag, or mail or any article or thing contained therein which had been entrusted to the defendant and which had come into the defendant's possession intended to be conveyed by mail or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service in violation of Title 18, United States Code, Section 1709.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.